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[01.06.2017 Christopher Reynolds](#)

Opposition from the Tories and social conservative groups wasn't enough to block the passage of the Liberal government's new protection law for Ontario's children.

Bill 89, the *Supporting Children, Youth and Families Act*, passed third reading Thursday on a 63-23 vote. The Liberals and NDP voted in favour of the legislation, while the Progressive Conservatives voted against it.

Bill 89, which also received Royal Assent on Thursday, repeals and replaces the current *Child and Family Services Act*, which had not seen substantial revision in three decades. The fresh law follows an extensive review in 2014-15, a [critical review](#) of residential services, and critical media coverage of the deaths of children in care, including **Katelynn Sampson** and **Jeffery Baldwin**.

The 300-plus-page bill contains a major overhaul of the system, but, according to the ministry officials, leaves intact the fundamental grounds on which children can be apprehended from their families, which remain abuse and neglect.

Prominent social conservative groups, however, decried the swapping out of the term “religious faith” for a child’s “creed” – in alignment with the Ontario Human Rights Code – as one of the factors for consideration of the child’s best interest. Following the clause-by-clause in May, the law specified that “‘Creed’ is defined to include religion.”

Minister of Children and Youth Services **Michael Coteau** said a split of opinion between parents and kids around LGBTQ identity would not be grounds for apprehension.

“[Y]ou can’t remove a kid because the parent disagrees with the fact that a child is gay. What you can do is remove a child if that child is being abused because of that,” Coteau told *QP Briefing*. “Abuse is abuse.”

“It’s the same way I would not allow a Black child to be abused because they were Black, or a Catholic child to be abused because they’re Catholic,” he said.

Irwin Elman, the provincial advocate for children and youth, called the legislation a “paradigm shift” centred around a fresh “commitment to the participation of children and youth in every decision that affects them.”

Meanwhile, **Jeff Gunnarson**, vice-president of the Campaign Life Coalition, called it “overreach by the state” that would deter some foster parents from welcoming new children.

“If they’re forced to collaborate with a child that wants to change his or her identity, then that’s just a no-go. I wouldn’t do it. As a Catholic man I wouldn’t accept a child that I had to help transform from boy to girl or the other way around,” he said.

The legislation includes “Katelynn’s principle” throughout, which comes from a recommendation from the inquest into the death of **Katelynn Sampson** that children’s voices and rights be considered throughout the child protection process.

In committee, the law’s language was strengthened to ensure that 16- and 17-year-olds “may not be brought to a place of safety” – like a group home or children’s aid facility – “without their consent.” The tweak follows up on a key change that extends protection to children until the age of 18, instead of 16, putting Ontario at par with other provinces.

An amendment added during the clause-by-clause further roped in caregivers’ physical authority, “restricting service providers and foster parents from using physical restraint on children and young persons,” with some exceptions.

The child’s race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, sex, sexual orientation, gender identity and gender expression are also to be considered, and for First Nations, Inuk or Métis children, the importance of the child’s connection to community is added to the current concept of preserving the child’s cultural identity.

The bill also gives the minister the ability to list First Nations, Inuk or Métis in regulation, and then mandate they be included and consulted.

Other language changes include removing terms considered out of date and stigmatizing. “Crown ward” becomes “children who are in interim society care” or “extended society care,” runaway is removed, “molest” becomes sexual abuse, and “Indian” and “native” become First Nations, Inuk or Métis.

The bill also lists children’s rights, which include having their view given due weight according to their age and maturity, as well as being informed about the Office of the Provincial Advocate for Children and Youth.

Queenie Yu, a member of Ontario’s new Stop the New Sex Ed Agenda party, expressed concern over “eroded” parental authority, particularly in situations where trans young people might opt to use puberty-blocking medication or sex hormones hormone blockers in their teens or earlier.

“Children can demand something, but a caring adult sometimes needs to say ‘no’ if what these children want is harmful ... If parents don’t give access to medical treatment that the child wants, that can constitute abuse,” Yu said.

The Parents As First Educators group expressed hope that 23 MPPs opposed the new law.

“Ontario parents will be pleased to know some opposition MPPs started to take their jobs seriously today with their vote against Bill 89,” said president **Tanya Granic Allen**. She gave much of the credit to lone wolf **Jack MacLaren**, who split from the Tories earlier this week to join the Trillium Party.

The bill gives children the speedy right to their own CAS files, which contain deeply personal information about their lives. That change is part of a major overhaul of information sharing and privacy protections, which was drafted with the assistance of Ontario’s information and privacy commissioner (IPC).

It allows for children and families to consent to having their information shared, in part so they don’t have to tell their story every time they visit a new care provider, officials said. Children and families can direct the CAS where their information can be shared, including, for example, which teachers and services providers, with mechanisms in place that state when safety issue that take precedence over the consent.

The IPC has an oversight role. The bill also deals with the decommissioning of the current Child Abuse Register (CAR), and replacing it with the Child Protection Information Network (CPIN), which contains more detailed information on known child abusers, when all children’s aid societies have joined it.

The bill also sets out processes by which societies can amalgamate with each other, and gives the minister the power to compel societies to do so. There are currently 47 societies, and ministry officials expect a significant reduction in those numbers in the coming years.

Under the new act, there would be significant new oversight and accountability for societies. They’ll remain arms-length, but the new law would give the minister the issue compliance orders to societies, replace a minority of board members and appoint a supervisor to temporary take over societies when required. It allows the minister to designate lead agencies, to which the minister may issue directives.

With files from Jessica Smith Cross

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